

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 232.142 and 237.3, the Department of Human Services amends Chapter 105, "County and Multicounty Juvenile Detention Homes and County and Multicounty Juvenile Shelter Care Homes," Chapter 114, "Licensing and Regulation of All Group Living Foster Care Facilities for Children," and Chapter 115, "Licensing and Regulation of Comprehensive Residential Facilities for Children," Iowa Administrative Code.

These amendments:

- Prohibit the use of prone restraint (a physical restraint technique in which a child is held face down on the floor) in foster group care facilities, emergency juvenile shelters, and juvenile detention facilities. Safer methods of physical restraint exist. This change aligns restraint standards for these facilities with state standards already adopted for educational settings and for psychiatric medical institutions for children.
- Allow attestations of employee health to be provided by advanced registered nurse practitioners or physician assistants as well as physicians. This change makes it easier for facility staff to obtain these statements, especially in rural areas.
- Add requirements for 24-hour supervision by staff members who are awake for the entire shift (instead of staff who are available while sleeping at the facility). For group care, these requirements were previously included in 441—Chapter 185, "Rehabilitative Treatment Services," which has been rescinded.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 9, 2011, as **ARC 9368B**. The Department received one written comment on the Notice of Intended Action, which was in support of the amendments. No one attended the public hearing.

The Department has made one change to the amendments as published under Notice of Intended Action to make the restraint provisions uniform across shelter, detention, and foster group care facilities. In subrule 114.20(3), introductory paragraph, the words "to prevent behavior extremely disruptive to others or" have been stricken. The allowable conditions for use of restraint are to prevent the child from injury to self, to others, or to property in all classes of facilities. The introductory paragraph of subrule 114.20(3) now reads as follows:

"114.20(3) Physical restraint. The use of physical restraint shall be employed only to prevent the child from injury to self, to others, or to property. Physical restraint must be conducted with the child in a standing position whenever possible."

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on April 13, 2011.

These amendments are intended to implement Iowa Code section 232.142 and chapter 237.

These amendments shall become effective on July 1, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 105, 114, 115] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 9368B**, IAB 2/9/11.

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[For replacement pages for IAC, see IAC Supplement 5/4/11.]